

### 32.605

Sections 32.613, 32.614, and 32.616 do not apply to claims against common carriers for transportation overcharges and freight and cargo losses.

#### **32.605 Responsibilities and cooperation among Government officials.**

(a) To protect the Government's interests, contracting officers, contract financing offices, disbursing officials, and auditors shall cooperate fully with each other to—

- (1) Discover promptly when a contract debt arises;
- (2) Ascertain the correct amount of the debt;
- (3) Act promptly and effectively to collect the debt;
- (4) Administer deferment of collection agreements; and
- (5) Provide up-to-date information on the status of the debt.

(b) For most kinds of contract debts, including reimbursement of protest costs, the contracting officer has the primary responsibility for determining the amounts of and collecting contract debt. Under some agency procedures, however, the individual who is responsible for payment under the contract; e.g., the disbursing officer, may have this primary responsibility.

[48 FR 42328, Sept. 19, 1983, as amended at 60 FR 48275, Sept. 18, 1995]

#### **32.606 Debt determination and collection.**

(a) If any indication of a contract debt arises, the responsible official shall determine promptly whether an actual debt is due the Government and the amount. Any unwarranted delay may contribute to—

- (1) Loss of timely availability of the funds to the program for which the funds were initially provided;
- (2) Increased difficulty in collecting the debt; or
- (3) Actual monetary loss to the Government.

(b) In determining the amount of any contract debt, the responsible official shall fairly consider both the Government's claim and any contract claims by the contractor against the Government. This determination does not constitute a settlement of such claims, nor is it a contracting officer's final deter-

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mination under the Contract Disputes Act of 1978.

(c) The responsible official shall establish a control record for each contract debt, to include at least the following information:

- (1) The name and address of the contractor.
- (2) The contract number, if any.
- (3) A description of the debt.
- (4) The amount of debt and the appropriation to be credited.
- (5) The date the debt was determined.
- (6) The dates of demands for payment.
- (7) The amounts and dates of collections, as they occur.
- (8) The date of any appeal filed or action brought in the Court of Claims under the Disputes clause.
- (9) The status of collections. Examples include—
  - (i) Actions reported to the disbursing officer (name, location, and date);
  - (ii) Funds requested to be withheld by the disbursing officer;
  - (iii) Funds requested to be withheld by other offices (date and office);
  - (iv) Deferment or installment payment arrangement requested;
  - (v) Deferment or installment request reviewed;
  - (vi) Supplemental information requested to support deferment requests; and

(vii) Actions transferred to the contract financing office.

(d) Except in cases in which an agreement has been entered into for deferment of collections (32.613) or bankruptcy proceedings against the contractor have been initiated, the contractor shall be required to liquidate the debt by—

- (1) Cash payment in a lump sum, on demand; or
- (2) Credit against existing unpaid bills due the contractor.

(e) The responsible officials shall use all proper means available to them for collecting debts as rapidly as possible. Practices for ascertaining and collecting debts shall be comprehensive, dynamic, and as uniform as practicable. Full consideration shall be given to personal contact and followup.

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